IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 201/2006
(Roshanlal Vs. Vimla Devi)

Date of Order : 13/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mrs. Deepika Vyas for the petitioner.
Mr. Pawan Sharma for the non-petitioner.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C. the petitioner has challenged the order dated 10.6.2005 passed by learned Sessions Judge, Merta (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 15.12.2004 passed by Judicial Magistrate, Degana (for short 'the trial court' hereinafter) was dismissed.

I have heard learned counsel for the parties. Carefully gone through the orders impugned.

On an application filed by non-petitioner under Section 125 Cr.P.C., the trial court during pendency of said application, by order dated 15.12.2004 granted monthly

allowance of interim maintenance @ Rs.400/-.

It is contended by learned counsel for the petitioner that on a divorce petition filed by non-petitioner under Section 13 of the Hindu Marriage Act. An application under Section 24 of the Hindu Marriage Act was also filed by the non-petitioner before the District Judge, Merta. That application came to be allowed and a maintenance @ Rs. 1000/- per month was granted and therefore, the petitioner has been asked to pay the maintenance twice.

Learned counsel for the non-petitioner submitted that by order dated 14.9.2005 on an application under Section 24 of the Hindu Marriage Act, though the maintenance @ Rs. 1000/- per month was granted but the learned District Judge, Merta directed that the maintenance granted in favour of the non-petitioner by Judicial Magistrate, Degana @ Rs. 400/- per month is adjusted in this amount of maintenance awarded.

From the perusal of the order of learned District Judge, Merta dated 14.9.2005, it is more than clear that the maintenance granted by the Judicial Magistrate, Degana has been taken care of and has been adjusted in the maintenance granted by the District Judge, Merta. In the circumstances, therefore, I do not find any error, illegality or perversity in the orders impugned passed by the courts below. It cannot be said that the orders impugned would result in serious miscarriage of

justice or abuse of process of the Court.

The petition has no force and it is therefore, dismissed.

(H.R.PANWAR),J.

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